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November 3, 2010

VIA ELECTRONIC FILING

Honorable Esther Salas, U.S.M.J.
United States District Court
M.L. King, Jr. Federal Bldg. & U.S. Courthouse
50 Walnut Street - Room 2060
Newark, New Jersey 07101

Re: *N.V.E., Inc. v. Jesus Palmeroni, et al.*
Docket No. 2:06-CV-05455(GEB) (ES)
Our File No. 6026-044

Dear Judge Salas:

We respectfully request the Court's leave to do the following:

- 1) File a reply to opposition that was filed to NVE's cross-motion to extend the time period subject to discovery; and
- 2) Amend the proposed Amended Complaint attached to NVE's Motion for Leave to file an Amended Complaint.

We make these requests because documents that we just received in discovery have enhanced, and in some ways, corrected our understanding of how Mr. Palmeroni and his co-defendants interacted with distributors of NVE's products. For instance, we now know that one of Mr. Palmeroni's companies, Smart World, Inc., posed as an international purchaser of NVE products in order to take advantage of deep wholesale discounts available to companies that distribute the products overseas. The products were then sold domestically at prices lower than NVE charged to the same purchasers. Our proof of this theft by deception categorically undermines the factual arguments that Palmeroni makes in his opposition to NVE's motion to extend the time period subject to discovery.

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Our understanding of that process also requires us to revise the proposed amended complaint attached to our Motion for Leave to Amend the Complaint. With regard to that motion, counsel for Palmeroni and Sumicek have both consented to our present request to be allowed to revise the proposed amended complaint. Counsel for Palmeroni has only requested that the revising of that proposed pleading not limit the time available to him to oppose our motion, which, of course, is perfectly reasonable.

We would be more than willing to withdraw our current Motion for Leave to file an Amended Complaint and refile the motion with the new proposed Amended Complaint if the Court will grant us the opportunity to do so. As we expect to receive the full Bank of America records for Smart World, Inc., which is pivotal to this conspiracy, by November 5th pursuant to our subpoena, we would ask the Court that we be allowed until November 15th to refile our motion.

Thank you for your consideration of these requests.

Respectfully,

SAMUEL J. SAMARO

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